

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>RAIN DROP FOUNDATION, INC.</b>	§	
	§	
<b>VS.</b>	§	<b>CIVIL ACTION NO. 3:19-CV-01077-E</b>
	§	
<b>PHILADELPHIA INDEMNITY</b>	§	
<b>INSURANCE COMPANY</b>	§	

**JOINT RULE 41 STIPULATION OF DISMISSAL WITH PREJUDICE**

**TO THE HONORABLE COURT:**

COMES NOW Rain Drop Foundation, Inc. (Rain Drop), jointly with Defendant Philadelphia Indemnity Insurance Company (Philadelphia), with this Joint Rule 41 Stipulation of Dismissal with Prejudice.

On September 5, 2020, Rain Drop and Philadelphia entered into a confidential settlement with respect to the disputes between them, the provisions of which are incorporated herein by reference.

Federal Rule of Civil Procedure 41 provides that an action may be dismissed by the filing of “a stipulation of dismissal signed by all parties who have appeared.” FED. R. CIV. P. 41(a)(1)(A)(ii); *see also Yesh Music v. Lakewood Church*, 727 F.3d 356, 362 (5th Cir. 2013). A court order is not necessary when the parties to the lawsuit file a stipulation of dismissal under Rule 41(a)(1)(A)(ii). *Yesh Music*, 727 F.3d at 362.

Therefore, pursuant to FED. R. CIV. P. 41(a)(1)(A)(ii), Rain Drop and Philadelphia jointly stipulate that all claims asserted by Rain Drop against Philadelphia in this matter shall be dismissed with prejudice, with each party to bear its own costs.

**WHEREFORE**, the Parties pray that the Court take notice of this Joint Rule 41 Stipulation of Dismissal with Prejudice to dismiss all claims against Philadelphia Indemnity Insurance Company with prejudice, and grant the Parties any other and further relief, at law or in equity, to which they are justly entitled.

Respectfully submitted,

/s/ Stephen A. Melendi

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**ATTORNEYS FOR PLAINTIFF  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon all counsel of record via e-service in accordance with the Federal Rules of Civil Procedure on this 30th day of September 2020.

/s/ Stephen Melendi

Stephen A. Melendi